IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 27811 of 1996

Between:

M/s.Hyderabad Paper & Board Works, rep. by its Managing Partner Habeeb Shums, S/o.Major Habib Ali, aged about 67 years, R/o.5-4-701, Old Khatal Mandi, Hyderabad.

..... PETITIONER

AND

1. The Chief Engineer (Electricity) A.P.State Electricity Board, Metropolitan Zone, Mint Compound, Hyderabad.

2. The Superintending Engineer (Assessments), A.P.State Electricity Board, Humayunnagar, Hyderabad.

3. The Assistant Divisional Engineer, A.P.State Electricity Board, Distribution-III, Zone-I, Hyderabad.

4. The Assistant Accounts Officer, A.P.State Electricity Board, GRC, Mint Compound, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of “Certiorari” calling for the records relating to the proceedings of the second respondent vide order No.SEA/HYD/F.CC.-780/SAT-5935, dated 29.11.1996 to quash the same.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

The petitioner, which is an Industry, files this writ petition seeking, *inter alia*, a writ of Certiorari challenging the impugned order of final assessment dated 29.11.1996.

The case of the petitioner is that in pursuance of an inspection conducted on 29.01.1996, it was found that the meter seals were found tampered and further alleged that the petitioner had indulged in theft of energy by means of meddling the meter mechanism and suppressed the recording of consumption. Accordingly, a provisional assessment was made on 01.02.1996 for a sum of Rs.6,08,297/-. This was followed by a show-cause notice dated 10.04.1996 and ultimately final assessment was made on 29.11.1996 reducing the said amount drastically to Rs.2,45,092/-. On appeal, the same was confirmed. It is submitted that during the pendency of these proceedings, the petitioner has already deposited a sum of Rs.81,000/-.

Though several contentions have been urged across the Bar from

both sides, however, having regard to the finding of fact as arrived at by both the authorities against the petitioner in respect of such serious tampering, it is not permissible for this Court to go into the same especially exercising the jurisdiction under Article 226 of the Constitution of India.

However, by taking into account the fact that the inspection was conducted as long back as in the year 1996 and the respondent authorities have reduced the amount drastically and by taking into account the facts and circumstances, it would suffice in the interest of justice to reduce the said amount to 50%.

The writ petition is accordingly allowed in part. The amount demanded in the impugned proceedings dated 29.11.1996 i.e., Rs.2,45,092/- is reduced to 50%, which comes to Rs.1,22,546/-. No costs.

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02.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Second Day of December, Two Thousand and Four.

To

1. The Chief Engineer (Electricity) A.P.State Electricity Board, Metropolitan Zone, Mint Compound, Hyderabad.
2. The Superintending Engineer (Assessments), A.P.State Electricity Board, Humayunnagar, Hyderabad.
3. The Assistant Divisional Engineer, A.P.State Electricity Board, Distribution-III, Zone-I, Hyderabad.
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